

111TH CONGRESS  
1ST SESSION

# H. R. 1253

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## AN ACT

To require that limitations and restrictions on coverage under group health plans be timely disclosed to group health plan sponsors and timely communicated to participants and beneficiaries under such plans in a form that is easily understandable.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Health Insurance Re-  
3 strictions and Limitations Clarification Act of 2009”.

4 **SEC. 2. DISCLOSURE REQUIREMENTS.**

5       (a) ERISA.—Section 702(a)(2)(B) of the Employee  
6 Retirement Income Security Act of 1974 (29 U.S.C.  
7 1182(a)(2)(B)) is amended by inserting before the period  
8 at the end the following: “so long as—

9                   “(i) such limitations and restrictions  
10                   are explicit and clear;

11                   “(ii) in the case of such limitations  
12                   and restrictions in health insurance cov-  
13                   erage offered in connection with the group  
14                   health plan, such limitations and restric-  
15                   tions have been disclosed in writing to the  
16                   plan sponsor in advance of the point of  
17                   sale to the plan;

18                   “(iii) the plan sponsor of the health  
19                   insurance coverage provide, to participants  
20                   and beneficiaries in the plan in advance of  
21                   the point of their enrollment under the  
22                   plan, a description of such limitations and  
23                   restrictions in a form that is easily under-  
24                   standable by such participants and bene-  
25                   ficiaries; and

1 “(iv) the plan sponsor and the issuer  
2 of the coverage provide such description to  
3 participants and beneficiaries upon their  
4 enrollment under the plan at the earliest  
5 opportunity that other materials are pro-  
6 vided.”.

7 (b) PHSA.—Section 2702(a)(2)(B) of the Public  
8 Health Service Act (42 U.S.C. 300gg–1(a)(2)(B)) is  
9 amended by inserting before the period at the end the fol-  
10 lowing: “so long as—

11 “(i) such limitations and restrictions  
12 are explicit and clear;

13 “(ii) in the case of such limitations  
14 and restrictions in health insurance cov-  
15 erage offered in connection with the group  
16 health plan, such limitations and restric-  
17 tions have been disclosed in writing to the  
18 plan sponsor in advance of the point of  
19 sale to the plan;

20 “(iii) the plan sponsor and the issuer  
21 of the group health insurance coverage  
22 make available, to participants and bene-  
23 ficiaries in the plan in advance of the point  
24 of their enrollment under the plan, a de-  
25 scription of such limitations and restric-

1           tions in a form that is easily understand-  
2           able by such participants and beneficiaries;  
3           and

4           “(iv) the plan sponsor and the issuer  
5           of the coverage provides such description  
6           to participants and beneficiaries upon their  
7           enrollment under the plan at the earliest  
8           opportunity that other materials are pro-  
9           vided.”.

10       (c)     INTERNAL     REVENUE     CODE.—Section  
11     9802(a)(2)(B) of the Internal Revenue Code of 1986 is  
12     amended by inserting before the period at the end the fol-  
13     lowing: “so long as—

14               “(i) such limitations and restrictions  
15               are explicit and clear;

16               “(ii) the group health plan makes  
17               available, to participants and beneficiaries  
18               in the plan in advance of the point of their  
19               enrollment under the plan, a description of  
20               such limitations and restrictions in a form  
21               that is easily understandable by such par-  
22               ticipants and beneficiaries; and

23               “(iii) the plan provides such descrip-  
24               tion to participants and beneficiaries upon  
25               their enrollment under the plan at the ear-

1                   liest opportunity that other materials are  
2                   provided.”.

3           (d) EFFECTIVE DATE.—The amendments made by  
4 this section shall apply with respect to plan years begin-  
5 ning after 1 year after the date of the enactment of this  
6 Act.

          Passed the House of Representatives March 31,  
2009.

Attest:

*Clerk.*

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